UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 MAY 28 AM 10:57

UNITED STATES OF AMERICA, Plaintiff, v.	Magistrate Case No. '08 MJ 1678
	COMPLAINT FOR VIOLATION OF:
1.) Gustavo RENDON-Mendiola, **2.) Guadalupe VALLADARES,**	Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens
Defendant(s)	Title 18, U.S.C., Sec.2 Aiding and Abetting

The undersigned complainant, being duly sworn, states:

COUNT ONE

On or about **May 27, 2008,** within the Southern District of California, defendant **Gustavo RENDO-Mendiola** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Emilio MARTA-Aguayo, Carlos Ivan MOLINA-Ruiz,** and **Victor LAGUNAS-Diaz** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

COUNT TWO

On or about **May 27, 2008,** within the Southern District of California, defendant **Guadalupe VALLADARES** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Emilio MARTA-Aguayo, Carlos Ivan MOLINA-Ruiz,** and **Victor LAGUNAS-Diaz** had come to, entered and remained in the United States in violation of law, did Aid and Abet, said aliens within the United States in furtherance of such violation of law; in violation of Title 18, United States Code, Section 2.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF **MAY 2008**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

G-/m

CONTINUATION OF COMPLAINT:
1.) Gustavo RENDON-Mendiola
2.) Guadalupe VALLARDARES

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Emilio MARTA-Aguayo, Carlos Ivan MOLINA-Ruiz, and Victor LAGUNAS-Diaz** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On Tuesday May 27, 2008 at approximately 9:00 A.M., Agent S. Lubin of the U.S. Border Patrol's San Diego Sector Smuggling Interdiction Group (SIG) was traveling eastbound on Skyline Truck Trail. The SIG Unit operates in a plain clothes capacity and utilizes bureau issued un-marked vehicles. At approximately two miles east of the Lawson Valley Road exit, Agent Lubin observed two vehicles that appeared to be traveling in tandem. The first vehicle was a 1996 GMC Jimmy green in color, which was following very closely behind a maroon colored Mitsubishi Galant. The GMC Jimmy was following too closely to the Galant for Agent Lubin to see the license plate. Agent Lubin proceeded to follow both vehicles eastbound on Skyline Truck Trail.

As the vehicle's approached Lawson Valley Road, Agent M. Leal also of the SIG Unit was able to drive in behind Agent Lubin's vehicle. Agents Lubin and Leal followed both vehicles eastbound on Skyline Truck Trail then south on Honey Springs Road. Agent Leal took a position at the California Department of Forestry building on Honey Springs Road just north of Deerhorn Valley Road. Agent Lubin followed both vehicles onto Deerhorn Valley Road and positioned herself in strategic locations in order to conduct surveillance on the vehicles. Border Patrol Agent D. Medina of the Brown Field Station's Intelligence Unit followed Agent Lubin and the two vehicles onto Deerhorn Valley Road and Agent L. Gutierrez positioned his vehicle on the south end of Honey Spring Road and Highway 94.

At approximately 9:15am, Agent Lubin informed Agent Leal, via bureau radio, that the maroon colored, Mitsubishi Galant had departed the area and was turning northbound on Honey Springs Road. Agent Leal observed the Galant travel past his location at a slow rate of speed. Agent Leal drove in behind the Galant and observed that it was bearing California license plate. Agent Leal followed the Galant northbound on Honey Springs Road then westbound on Skyline Truck Trail. Agent Leal paced the Galente in his bureau issued vehicle at speeds of thirty to forty miles per hour.

According to Agent Lubin the ~~vehicle~~ GMC Jimmy was traveling at such a high rate of speed that as she attempted to follow it, the speed control governor of her bureau issued vehicle began to engage, causing her vehicle to momentarily stall and slow her rate of speed. Agent Lubin followed the GMC Jimmy north on Honey Springs Road then west on Skyline Truck Trial. Agent Lubin informed Agent Leal, via bureau radio, that the GMC Jimmy was approaching his location at a very high rate of speed. Within a few minutes of Agent Lubin's radio transmission, the GMC Jimmy passed Agent Leal and the maroon Mitsubishi Galant at a clearly marked double yellow center divide indicating a no passing zone. Agent Leal also observed the GMC Jimmy pass numerous other vehicles in clearly marked no passing zones.

G-JM

CONTINUATION OF COMPLAINT:
1.) Gustavo RENDON-Mendiola
2.) Guadalupe VALLARDARES

When Agent Leal could see Agent Lubin approaching his location, he instructed Agent Lubin to stay with the Galant as he attempted to catch up to the GMC Jimmy. As Agent Leal attempted to pass the Galant in a designated passing zone on Skyline Truck Trail, the driver of the Galant moved all the way to the left of the lane in an attempt to prevent Agent Leal from passing. Because the Galant had been traveling at such a slow rate of speed, no other vehicles were in front of it; therefore the driver of the Galant was not moving to the left to pass slower vehicles. Agent Leal attempted to pass the Galant twice and on the third attempt, when all on-coming traffic was clear, Agent Leal was able to pass the Galant without incident.

Agent L. Gutierrez traveled westbound on highway 94 and took a position in a designated school zone near Skyline Truck Trail and Lyons Valley Road in order to intercept the GMC Jimmy. Agent Gutierrez observed the GMC Jimmy pass numerous vehicles in a clearly marked no passing zone as it approached his location. Agent Gutierrez observed as the GMC Jimmy maintained its high rate of speed as it entered the school zone and pass another vehicle. Agent Gutierrez also observed as the GMC Jimmy slowed its rate of speed but failed to yield at a posted three-way stop at Skyline Truck Trail and Lyons Valley Road, which is also located in the designated school zone.

Agent Gutierrez followed the GMC Jimmy south on Lyons Valley Road and west on Jamul Drive. According to Agent Gutierrez, the GMC Jimmy was traveling at such a high rate of speed that he lost visual of it shortly after it had turned onto Jamul Drive. Agent Gutierrez continued westbound on Jamul Drive in an attempt to locate the GMC Jimmy. Agent Medina was traveling southbound on Lyon Valley Road when he observed the GMC Jimmy re-enter Lyons Valley Road. Agent Medina attempted to follow the GMC Jimmy, but due to the vehicle's excessive rate of speed and heavy commuter traffic, Agent Medina was unable to safely follow the GMC Jimmy. Agent Medina lost visual of the GMC Jimmy as it turned westbound on Highway 94 from Lyons Valley Road.

As agents searched the area for the GMC Jimmy, Agent Lubin maintained surveillance of the maroon Mitsubishi Galant. Agent Lubin followed the Galant west on Skyline Truck Trail, south on Lyons Valley Road then westbound on Highway 94. When the Galant and Agent Lubin passed the Jamul Drive intersection, Agent Leal was able to drive in behind Agent Lubin's vehicle. Agents Lubin and Leal followed the Galant westbound on Highway 94 to the 7-Eleven Convenience Store at 12918 Highway 94. At the 7-Eleven Store, Agent Leal made contact with the driver of the Galant, identified as defendant **Guadalupe VALLADARES**. As Agent Leal was informing VALLADARES of the purpose of the interview, VALLADARES adamantly denied having anything to do with alien smuggling. Agent Leal asked for and was granted consent verbally by VALLADARES to search her vehicle. Agent Leal observed that VALLADARES had her two year old daughter asleep in the backseat along with miscellaneous clothing and four or five fast food bags. Agent Leal observed that the trunk of the Galant was completely empty and clean with the exception of a small amount of dirt and grass.

As Agents Leal and Lubin were making contact with VALLADARES, Agents Gutierrez, Medina and J. Angeli located the GMC Jimmy stopped at a steady red traffic light at the intersection of Jamacha and Highway 94. As the vehicle was stopped, Agents approached the GMC Jimmy and observed the driver, a front seat passenger, and five individuals attempting to conceal themselves in the back of the vehicle.

CONTINUATION OF COMPLAINT:
1.) Gustavo RENDON-Mendiola
2.) Guadalupe VALLARDARES

For safety purposes, Agents detained the driver of the GMC Jimmy, later identified as defendant **Gustavo RENDON-Mendiola**, and moved the vehicle to a near-by parking lot at the northeast corner of Jamacha and Highway 94, where they could safely conduct an immigration inspection. All seven occupants of the GMC Jimmy, including RENDON freely admitted to being citizens and nationals of Mexico present in the United States without any immigration documents that would allow them to enter or remain in the United States legally. At approximately 9:30am, all individuals in the GMC Jimmy were placed under arrest.

Given the facts, that both the Mitsubishi Galant and GMC Jimmy were traveling in tandem that VALLADARES had attempted to prevent Agent Leal from passing her in order to follow the GMC Jimmy, and also because the GMC Jimmy was being used as an alien smuggling conveyance, Agent Leal placed VALLADARES under arrest as co-principal in this alien smuggling event at approximately 9:35 A.M.

At Approximately 9:50am, Agent Lubin transported VALLADARES, her daughter and their vehicle to the parking lot at the northeast corner of Jamacha and Highway 94. Upon arrival to the parking lot, Agent Leal gave VALLADARES the opportunity to contact someone she trusted to take custody of her daughter. VALLADARES contacted her mother via cellular phone and informed her that she had been arrested for alien smuggling. VALLADARES informed Agent Leal that her mother was en-route to pick up her daughter. At approximately 9:55 A.M., VALLADARES' mother called back on her cellular phone. Agent Gutierrez answered the phone and was mistaken for being VALLADARES' boyfriend. Agent Gutierrez stated that VALLADARES' mother immediately began yelling at him in the Spanish language, but roughly translated her rant as "It's your fault she's in this mess. I don't know why you didn't use one of your other people to do this."

At approximately 11:00 A.M., all individuals arrested in this event were transported to the U.S. Border Patrol's Chula Vista Station for processing procedures.

DEFENDANT STATEMENT (Guadalupe VALLADARES):

VALLADARES was advised of her MIRANDA rights. VALLADARES stated that she understood her rights as read to her and was willing to answer questions without an attorney present.

VALLADARES stated that she was born in Chula Vista, California.

VALLADARES admitted to lending her mother's car, later identified as Josephine MORALOS, to the other principal in this case identified **as Gustavo RENDON-Mendiola**.

VALLADARES first stated that she was doing a favor for an Eric she met in Tijuana, Baja California, Mexico approximately four years ago. She stated that Eric asked her to lend RENDON a vehicle. When asked why she would lend a car to a total stranger she could not give a straight answer. VALLADARES later admitted that Eric was indeed her boyfriend and that she was maintaining a long distance relationship with him because he could not legally cross the border. VALLADARES admitted that Eric's last name is MENDEZ. VALLADARES also admitted that MENDEZ is a "pollero". This is a common term used to describe an alien smuggler. VALLADARES admitted that she had met RENDON only once when she handed her mother's GMC to him. VALLADARES admitted that MENDEZ was to pay her $200.00 USD

G-J r

CONTINUATION OF COMPLAINT:
1.) Gustavo RENDON-Mendiola
2.) Guadalupe VALLARDARES

for doing him this favor. VALLADARES admitted that she would receive payment through Western Union after the job was complete. VALLADARES also admitted that MENDEZ told her to follow RENDON to the area where they picked up the illegal aliens, but VALLADARES insists that she did not know exactly what it was they were doing.

MATERIAL WITNESSES STATEMENTS:

Material Witnesses **Emilio MARTA-Aguayo, Carlos Ivan MOLINA-Ruiz, and Victor LAGUNAS-Diaz** stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Mexico to be smuggled into the United States. All the material witnesses stated that they were to pay a fee to be smuggled to various parts of the United States. All the material witnesses stated that a green vehicle picked them up near the side of the road. All the material witness stated that they feared for their safety due to the drivers erratic driving. When shown a photographic lineup containing 8 individuals, all of the Material Witnesses were able to identify defendant **Gustavo RENDON-Mendiola** as the driver of the vehicle.